

SEVENTY-SECOND DAY.

SENATE CHAMBER,
Austin, April 9, 1874. }

Senate met pursuant to adjournment. Roll called; quorum present.

Prayer by the chaplain.

On motion of Senator Davenport, the reading of the journal of yesterday was dispensed with.

Senator Dillard presented a petition from citizens of Cherokee county, "asking that two counties be formed out of the present territory of Cherokee county." Read and referred to Committee on Counties and County Boundaries.

Senator Dillard presented a petition from Mrs. M. M. Mitchell, "in behalf of herself and the heirs of John L. Jones, asking for a league and labor of land." Read and referred to Committee on Private Land Claims.

Senator Joseph presented a communication from Sylvester Watts, "In regard to lighting the Capitol and Governor's Mansion with gas." Read and referred to Committee on State Affairs.

Senator Dillard presented the petition of Mrs. Catherine Wade, of Cherokee county, asking for relief. Read and referred to Committee on Private Land Claims.

Senator Ireland, chairman Judiciary Committee, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary, to whom was referred House bill No. 182, "An Act to dedicate to the use of Travis county certain land in the city of Austin, on which to erect a courthouse and jail, and to enable said county to build the same," ask leave to return the same, and recommend its passage.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary, to whom was referred the petition from the citizens of Jack county, asking for the relinquishment of the State tax of that county, for the years 1874 and 1875, for the purpose of building a jail," etc., ask leave to return the same, and recommend that it

be rejected on the ground that it is conflict with the constitutional amendments.

IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Judiciary, to whom was referred Senate substitute for House bill No. 6, "An Act to ascertain the amount due the teachers of the public free schools of this State, for services rendered as teachers, prior to the first day of July, 1873, and to provide for the payment of the same," ask leave to return the bill, and recommend that the Senate do not concur in the House amendments.

IRELAND, Chairman.

Report from the Finance Committee :

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Finance, to whom was referred House bill No. 385, "An Act to limit the power of taxation in cities and towns," have fully considered the same, and instruct me to report the same back to the Senate, with the recommendation that it do pass, with the accompanying amendments.

WOOD, for Committee.

Amendments: Strike out at the end of section first of the bill, the following words: "and *provided further*, that this act shall not be construed to affect the power of any city or town to levy taxes as heretofore granted in their charters."

Senator Wood presented a petition, "for relief of James H. Bolock." Read and referred to Committee on Private Land Claims.

Senator Wood presented the petition of W. W. Byers, "asking the validation of a land certificate." Read and referred to Committee on Private Land Claims.

Senator Shepard introduced a bill entitled "An Act for the relief of Sylvester Bowen." Read first time, and referred to Committee on Private Land Claims.

The unfinished business being the consideration of the concurrent resolution, introduced by Senator Ireland, on yesterday, "concerning United States courts in Texas, it was taken up.

Senator Culberson made a point of order that said—

resolution, if passed, would require the signature of the Governor to be of any force.

The President ruled that no resolution, not requiring the signature of the Governor, and intended to have the force and effect of a law, although asking the concurrence of the other House, was required to be read three several days in the Senate. The present resolution does not require the executive approval, and therefore may be acted upon at once, without a suspension of the rules.

Senator Culberson appealed from the chair. The decision of the chair was sustained. The resolution was then lost by the following vote:

YEAS—Senators Camp, Davenport, Dillard, Ellis, Erath, Friend, Hobby, Ireland, Swift, Westfall and Wood—11.

NAYS—Senators Allison, Ball, Bradshaw, Burton, Culberson, Joseph, Ledbetter, Moore, Parker, Randle, Shepard, Stirman and Trolinger—13.

On motion of Senator Ireland, Senator Russell was excused for the day.

A message was received from the Governor.

On motion of Senator Parker, the message was taken up and read, which was as follows:

EXECUTIVE OFFICE, STATE OF TEXAS, }
Austin, April 9, 1874. }

To the Honorable Senate of the State of Texas:

I respectfully ask your advice and consent to the following appointment, to-wit: George Lane, to be Judge of the Fifth Judicial District, *vice* Judge M. W. Wheeler, resigned.

Very respectfully,
RICHARD COKE, Governor.

EXECUTIVE OFFICE, STATE OF TEXAS, }
Austin, April 9, 1874. }

To the Hon. Senate of the State of Texas:

I respectfully ask your advice and consent to the following appointments, to-wit:

Dyer Moore, notary public for Bastrop county.

Robert P. Jones, notary public for Bastrop county.

M. McIlhenny, notary public for Bell county.

James J. King, notary public for Bosque county.

V. B. Shearn, notary public for Burleson county.

Geo. W. Mullinax; notary public for Burleson county.
R. J. Horton, notary public for Calhoun county.
E. L. Gregg, notary public for Cherokee county.
John C. Roberts, notary public for Cook county.
Wm. J. Austin, notary public for Denton county.
Royal H. Ferris, notary public for Ellis county.
Joseph Magoffin, notary public for El Paso county.
W. B. Blanchard, notary public for El Paso county.
Juan Annendaris, notary public for El Paso county.
J. McCarty, notary public for El Paso county.
Geo. H. Abbott, notary public for El Paso county.
C. C. Callan, notary public for Gillespie county.
Milton N. Shive, notary public for Goliad county.
J. W. Carlton, notary public for Hardin county.
S. E. Parker, notary public for Hardin county.
J. J. M. Woodley, notary public for Lavaca county.
A. A. Curtis, notary public for Leon county.
J. J. Dotson, notary public for Leon county.
A. D. Boggs, notary public for Leon county.
M. F. Corbett, notary public for Pecos county.
O. M. Keesey, notary public for Presidio county.
A. A. Paxson, notary public for Rockwall county.
Wm. Charlton, notary public for Rockwall county.
Sidney S. Johnson, notary public for Smith county.
E. A. King, notary public for Victoria county.
R. Krug, notary public for Washington county.
W. J. Groom, notary public for Wharton county.
C. T. Manning, notary public for Wise county.

Very Respectfully,

RICHARD COKE.

On motion of Senator Wood, the rules were suspended, to take up the concurrent resolution offered by Senator Culberson, some days since, in regard to adjournment, the said resolution being as follows :

“Resolved, By the Senate, the House concurring, that this Legislature adjourn sine die on the first Monday in May next.”

Senator Culberson offered the following as a substitute :

“Resolved, By the Senate, the House concurring, that the present session of the Fourteenth Legislature be adjourned without day at 12 m. on the first Monday in May next.” Substitute adopted.

Senator Parker offered the following amendment :

"Strike out the words 'first Monday' and insert the words 'first day.'" Lost.

Senator Bradshaw offered the following amendment:

"Strike out the words 'first Monday' and insert the words 'twenty-third day of April.'"

Senator Joseph moved to lay the amendment on the table. Lost by the following vote:

YEAS—Senators Ball, Culberson, Davenport, Erath, Joseph, Ledbetter, Moore, Randle, Shepard, Swift and Wood—11.

NAYS—Senators Allison, Bradshaw, Burton, Camp, Dillard, Ellis, Friend, Hobby, Ireland, Parker, Stirman, Trolinger and Westfall—13.

The question then recurring on the adoption of the amendment offered by Senator Bradshaw, the vote stood thus:

YEAS—Senators Allison, Bradshaw, Burton, Camp, Dillard, Ellis, Friend, Ireland, Parker, Stirman, Trolinger and Westfall—12.

NAYS—Senators Ball, Culberson, Davenport, Erath, Hobby, Joseph, Ledbetter, Moore, Randle, Shepard, Swift and Wood—12.

The vote being evenly divided, the President of the Senate cast his vote in the negative, so the amendment was lost.

Senator Moore moved the previous question. Previous question ordered.

The concurrent resolution was then adopted.

On motion of Senator Swift, the Senate went into executive session.

IN SENATE.

The Secretary was instructed to inform his Excellency the Governor, that the Senate does advise and consent to the appointment of George Lane, to be judge of the Fifth Judicial District; also, to the confirmation of all the notaries public nominated by him in his message of this date; also, to the appointment of L. K. Tarver, of Bell county, nominated by his Excellency in a message of a former date.

The report of the committee on Senate substitute for House bill No. 6, "An act to ascertain the amount due the teachers of the public free schools of this State, for services rendered prior to the first day of July, 1873, and to

provide for the payment of the same," was taken up and adopted.

Senator Westfall presented the following invitation from the committee of arrangements of the fire department of the city of Austin:

AUSTIN, Texas, April 8, 1874.

To the Hon. Senate of the Fourteenth Legislature:

GENTLEMEN—Under instruction of the Committee of Arrangements of the Fire Department of the city of Austin, the officers and members of your honorable body are respectfully invited to participate in our annual parade, on the twenty-first day of April, at 2 P. M., celebrating the anniversary of the battle of San Jacinto.

Very respectfully,

WM. BRUEGGERHOFF, Washington Steam Engine No. 1.

ED. CREAMY, Colorado Engine No. 2.

W. W. ARCHER, Hook and Ladder No. 1.

Committee of Invitation.

On motion of Senator Westfall, the invitation was accepted.

On motion of Senator Erath, the rules were suspended to take up Senate bill No. 240, "An Act to incorporate the Texas and Midland Railway, and to aid in the construction of the same," together with the amendments proposed by the committee reporting on said bill.

On motion of Senator Erath, the amendments of the committee were adopted.

Senator Erath offered the following amendments: Insert before the word "Bosque" the words "waters of," and after the word "Bosque" insert the words "and Leon." Also, before "Comanche county," insert the words "the town of Comanche in." Also, section . . That this act take effect and be in force from and after its passage. All of which were adopted.

Senator Moore offered the following amendment:

Amend by striking out "five per cent." and inserting "ten per cent." Adopted.

Senator Moore offered the following amendment:

Add, after the word "thereafter," in section eight, the following words: "and said permanent organization shall be perfected within six months after the passage of this act." Adopted.

The bill, as amended, was then ordered engrossed.

On motion of Senator Erath, the rules were further suspended, bill read third time, and passed by the following vote:

YEAS—Senators Ball, Camp, Culberson, Davenport, Dillard, Dwyer, Ellis, Erath, Friend, Hobby, Ireland, Joseph, Ledbetter, Moore, Parker, Stirman, Swift, Westfall and Wood—19.

NAYS—Senators Allison, Bradshaw and Trolinger—3.

By leave, Senator Swift introduced a bill entitled "An Act to incorporate the Rusk Transportation Company." Read first time, and referred to Committee on Internal Improvements.

On motion of Senator Davenport, the rules were suspended, to take up Senate bill No. 364, "An Act to incorporate the Hearne, Belton and Northwestern Railroad Company." Bill was taken up and read second time.

Senator Westfall offered the following amendment: Amend section seven, by inserting after the word "Belton" the following words: "thence to the town of Lampasas, in Lampasas county." Adopted.

Senator Moore offered the following amendment:

Strike out the word "Southern" in section seven, and insert the word "Texas." Adopted. The bill as amended was then ordered engrossed.

On motion of Senator Westfall, the rules were further suspended, bill read third time and passed by the following vote:

YEAS—Senators Ball, Burton, Camp, Culberson, Davenport, Dillard, Dwyer, Ellis, Erath, Friend, Hobby, Joseph, Ledbetter, Moore, Russell, Stirman, Swift, Westfall and Wood—19.

NAYS—Senators Allison, Bradshaw, Parker and Trolinger—4.

On motion of Senator Trolinger, the rules were suspended to take up Senate bill No. 335, "An Act to provide for the safe keeping of the State House, library, &c." Bill taken up and read second time.

Senator Moore offered a substitute for the bill entitled "An Act to provide for the safe keeping of the furniture and fixtures belonging to the public halls of the Capitol, the public libraries, and to provide for the improvement of the Capitol grounds and State cemetery."

Substitute read first time and adopted.

The substitute was then read second time and ordered engrossed.

Senator Wood offered the following amendment: "*provided*, that the five hundred dollars appropriated by this act shall be expended on the State cemetery." Lost.

Senator Ireland offered the following amendment: "no person shall be permitted to hitch any animal to any tree or shrub within the Capitol grounds." Adopted.

The bill as amended was then read third time, and passed by the following vote:

YEAS—Senators Allison, Bradshaw, Burton, Camp, Culberson, Davenport, Dillard, Dwyer, Ellis, Erath, Friend, Hobby, Ireland, Joseph, Ledbetter, Moore, Parker, Russell, Stirman, Swift, Trolinger and Westfall—22.

NAYS—Senators Shepard and Wood—2.

The hour for the consideration for the special order having arrived, to-wit: Senate bill No. 233, "An Act to provide for opening, repairing and maintaining public roads and highways," on motion of Senator Ireland, the special order was postponed for thirty minutes.

On motion of Senator Ledbetter, the rules were suspended to take up Senate bill No. 295, "An Act to regulate the adoption of children." Bill taken up and read second time.

On motion of Senator Ireland, section six was stricken out. The bill as amended was then ordered engrossed.

On motion of Senator Ledbetter, the rules were further suspended, and bill read third time.

Senator Shepard moved that the bill be re-referred to the Judiciary Committee. Lost by the following vote:

YEAS—Senators Allison, Ball, Dillard, Ellis, Friend, Joseph, Parker and Shepard—8.

NAYS—Senators Camp, Culberson, Davenport, Dwyer, Hobby, Ireland, Ledbetter, Moore, Russell, Stirman, Swift, Trolinger, Westfall and Wood—14.

The question recurring on the passage of the bill, it was passed.

Senator Parker offered the following resolution:

Resolved, That the Senate will hold evening sessions, commencing at 3 P. M. on next Monday, and from day to day.

Read and laid over under the rules.

The hour for the consideration of the special order having arrived, to-wit, Senate bill No. 233, "An act to provide for opening, repairing and maintaining public roads and highways," it was taken up, together with the amendments recommended by the committee.

On motion of Senator Culberson, the bill was considered by sections.

The first amendment proposed by the committee was adopted. The second amendment, which was an additional section, was adopted.

Senator Moore offered the following amendment:

"Strike out the word 'eight,' in the third line, and insert the word 'six.'" Adopted.

Senator Shepard offered the following amendment:

"Strike out the word 'twelve,' in line three, and insert the word 'four.'" Lost.

Senator Burton offered the following amendment:

"Strike out the word 'twelve' and insert the words 'one and one-half.'" Lost.

Senator Swift offered the following amendment:

"In section one, line eight, strike out the word 'sixty' and insert the word 'fifty.'" Lost.

Senator Culberson moved that the bill be indefinitely postponed. Carried by the following vote:

YEAS—Senators Ball, Bradshaw, Burton, Camp, Culberson, Davenport, Dillard, Dwyer, Friend, Hobby, Ledbetter, Russell and Westfall—13.

NAYS—Senators Allison, Ellis, Erath, Ireland, Joseph, Moore, Parker, Shepard, Stirman, Swift, Trolinger and Wood—12.

Senator Burton moved to adjourn. Lost.

By leave, Senator Dwyer introduced a bill entitled "An Act declaring an act to incorporate the city of San Antonio and grant a new charter to said city, and to repeal an act entitled 'an act to incorporate the city of San Antonio,' approved July 17, 1856, and 'an act to incorporate the city of San Antonio,' approved February 11, 1860, and 'an act to incorporate the city of San Antonio, and grant a new charter to said city,' approved August 13, 1870," one of the unpublished special laws of the Thirteenth Legislature. Read first time and referred to Committee on State Affairs.

Senator Shepard, for Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills beg leave to report that they have carefully examined and compared Senate bill No. 361, entitled 'An Act authorizing the Governor to postpone special elections for Senators and Representatives

in certain cases," and they find that the same is correctly engrossed.

SHEPARD, for Committee.

By leave, Senator Westfall presented the petition of Ezekiel Harrol, "asking for league and labor of land." Read first time and referred to Committee on Private Land Claims.

By leave, Senator Westfall presented the petition of L. McCoy, "asking for league and labor of land." Read first time and referred to Committee on Private Land Claims.

By leave, Senator Allison introduced a bill entitled "An Act to enforce the provisions of article twelve, section thirty-six, of the State Constitution." Read first time and referred to the Judiciary Committee.

By leave, Senator Russell introduced a bill entitled "An Act for the relief of the heirs of George W. Wheeler, for one-third league of land." Read first time and referred to Committee on Private Land Claims.

Senator Friend moved that two more Senators be appointed on the Engrossing Committee. Carried.

The President appointed Senators Joseph and Trolinger on said committee.

On motion of Senator Ellis, the Senate adjourned.

SEVENTY-THIRD DAY.

SENATE CHAMBER, }
Austin, April 10, 1874. }

Senate met pursuant to adjournment. Roll called ; quorum present.

Prayer by the chaplain.

On motion of Senator Swift, the reading of the journal of yesterday was dispensed with.

Senator Shepard presented a petition from citizens of Washington county, "asking the repeal and abolition of occupation taxes." Read first time and referred to Committee on Finance.

Senator Shepard presented the petition of citizens of Washington county, "alleging frauds in the registration of voters in said county, and asking relief." Read and referred to Committee on Privileges and Elections.